

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

SECOM
5E25 Hqs.

EXTENSION

NO.

25X1
SECOM D 030

DATE

14 February 1984

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Executive Registry
7E12 Hqs

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S-109



DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-030

14 February 1984

MEMORANDUM FOR: Acting Director of Central Intelligence

THROUGH: Director, Intelligence Community Staff

SIGNED 14 FEB 1984

FROM:

Chairman

25X1

SUBJECT: SECOM Report on Polygraph

1. Action Requested: Your approval to disseminate the attached report to the Intelligence Community. The 49 anecdotal accounts of cases in which polygraph testing produced data of vital security significance should be of considerable value in the ongoing Congressional inquiry into use of the polygraph.

2. Background: The Jackson Amendment to the DoD Authorization Bill placed a moratorium on expanded use of the polygraph within DoD. The Brooks Bill, HR 4681, jeopardizes any use of polygraph testing to screen candidates for access to sensitive intelligence except CIA and NSA employees. Hearings are now being held on this matter.

3. The data gathered thus far in Congressional studies and hearings tend to emphasize input by those opposing polygraph testing for security screening and leak investigations. The Brooks Bill states that polygraph testing has no validity and suggests that it poses a threat to individual rights of government employees. CIA and NSA employees are exempted from the provisions of the Brooks Bill.

4. The task of proving that polygraph tests always provide totally accurate indications of truth or falsehood is impossible. Nobody ever said they did. But the NSA and CIA polygraph programs, which have excellent records of proper observance of individual rights, could serve as the models for other agencies' programs to screen those with access to sensitive intelligence data.

5. The attached report, prepared by the SECOM Personnel Security Subcommittee for unclassified use, does not address scientific reliability or other factors emphasized by the Congressional reports. Its sole objective is to demonstrate that polygraph testing is effective in obtaining relevant

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security information that would be unavailable otherwise and that significant damage to the national security has been averted through polygraph testing. It cites actual cases of attempts by foreign intelligence services to penetrate the Intelligence Community; individuals who successfully passed conventional investigation and were found by polygraph testing to have abused the trust placed in them; and of polygraph interviews uncovering serious character defects in persons who otherwise would have been cleared for the Nation's most sensitive secrets. It shows that polygraph testing works and that it is an invaluable tool to protect the national security.

6. The SSCI has scheduled hearings on the polygraph for 22 February 1984. NSA has expressed a desire to utilize this report in its testimony. The Intelligence Community should present the best evidence available in this hearing.

7. Recommendation: That you approve dissemination to the Community of the attached report.



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Attachment:

Chairman, SECOM Personnel Security Subcommittee
memorandum (002-84) dtd. 2 February 1984,
Subject: Polygraph Study

Approved:


A/ Director of Central Intelligence

16 FEB 1984

Date

IF EXAMPLES ARE USED
IT WOULD BE USEFUL
FOR NSA + CIA TO USE
THEIR OWN

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SECOM-D-030

Distribution:

Original - Addressee w/atts
1 - D/ICS w/atts
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1 - Subject File w/atts
1 - SECOM Chrono w/atts

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DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

Serial: PerSSub-001-84

2 February 1984

MEMORANDUM FOR: Chairman, SECOM

25X1

FROM: Chairman, PerSSub

SUBJECT: Polygraph Study

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In accordance with your tasking contained in SECOM-D-172, dated 11 August 1982, the PerSSub undertook a survey designed to establish the utility of the polygraph as a security device within the Intelligence Community. This report represents the results of that effort.

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The survey makes no pretense of objectivity. It was designed to demonstrate that the polygraph is useful in eliciting admissions which would not otherwise be forthcoming by other investigative means. The survey did not address the scientific validity of the process, its scientific reliability or the effect the quality of the examiner's training may have on results. Its utility in bringing out previously unattained information was the only concern.

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The survey was limited in scope to the period dating from January 1980 to September 1983, with a few cases drawn from earlier years. By essentially limiting coverage to this short timeframe, the survey therefore represents but a sampling of a larger body of evidence which supports the utility of the polygraph.

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All agencies of the Intelligence Community utilizing the polygraph contributed. The identities of the contributing entities have been masked through a unique numbering system, the key to which is retained by Chairman, PerSSub. Any inquiries arising regarding a particular case will be referred by Chairman, PerSSub to the proper contributor who will respond in keeping with the policies of the agency involved.

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The 49 selected cases are reported in anecdotal style, contain only the salient facts and are intended to be presentable in an unclassified forum. The issues run the gamut from Espionage to Security Violations. Because this is an Intelligence Community survey, however, numerous criminal cases from those Intelligence Community agencies having a law-enforcement function as well were specifically excluded. In each case, the use of almost-identical wording is intentional to help preserve the anonymity of the contributor.

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Serial: PerSSub-001-84

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The sole conclusion drawn from this effort is that there exists an ample body of evidence to prove that the polygraph brings out critical information otherwise denied. The exemplars are but a fraction of material available to support the utility of the polygraph. Our contention is not that the polygraph is perfect but that it is so successful as to justify its retention in our inventory of investigative tools. Its use, or threat of its use, was sufficient to deter Christopher John Boyce from seeking a position at a super-sensitive installation, and David Henry Barnett from attempting reinstatement with CIA. In Great Britain, the Russian spy, Geoffrey Arthur Prime, also conceded that the polygraph would have deterred him from joining GCHQ or would have exposed him while there. Again, how many others have been deterred by threat of polygraph is a matter for frightening speculation.

The PerSSub does not endorse the polygraph as a panacea for all security ills. The polygraph is not considered in isolation, and is always used in conjunction with other investigative tools. Recognizing its limitations and applying it judiciously, the polygraph is essential in obtaining otherwise unattainable information.

The following 49 anecdotal summaries clearly support the premise that the polygraph is a valuable and useful tool in the security programs of the Intelligence Community.

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Chairman
Personnel Security Subcommittee

Attachment:

As stated above (summaries)

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ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, was a former member of the U.S. military, where he had access to classified information. He had been favorably investigated in conjunction with his prior military service. Subject was given an applicant screening polygraph examination and showed deception in response to the question relating to intent to commit espionage or sabotage against the United States. He made no admissions. During a reexamination, deception was also noted on questions about clandestine contacts with representatives of a foreign country. Subject then admitted that he would sell classified information to a foreign power if it would guarantee him a comfortable living. He continually denied ever having committed espionage, having clandestine contacts, or actually having a specific intent or plan to commit espionage. Deception was still indicated, however, to questions regarding intent to commit espionage against the United States and to having had clandestine contacts with agents of foreign powers.



25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a TOP SECRET cleared U.S. citizen on active military duty assigned to an Intelligence Community organization, was polygraphed in conjunction with a periodic reinvestigation. During a series of polygraph examinations over a two-week period, Subject admitted that he had provided classified information to a foreign security service without authorization; had taken classified information to his residence on several occasions; and had taken uncleared friends to his place of employment to explain the classified mission and functions of the installation. Subject also revealed he had been stealing office supplies since 1972, some of which he had sold, and admitted taking money from office funds and from the desks of co-workers.



25X1

ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, was given a polygraph examination. When deception was indicated regarding counterintelligence questions, she admitted that while overseas she was cultivated by the host country intelligence service. The local service proposed that she travel to a third country as a U.S. citizen under a false identity, and obtain employment in the target country to gather information. She was to receive training in intelligence tradecraft. Subject said that after two days of thoughtful deliberation, she declined the host country's offer. She had not previously reported this to U.S. authorities.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, listed on his security forms foreign travel to a communist-bloc country in conjunction with previous employment. During a polygraph examination he admitted that during the trip, in the company of Communist country nationals, he was drugged and an attempt was made to have him engage in a homosexual act. Later, the intelligence service of that country requested him to work for them. Although Subject claimed he refused, he never reported this entrapment attempt or offer to any U.S. official. He continued to show deception on the polygraph examination.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen, was employed in the Intelligence Community in 1980 and granted a TOP SECRET clearance following security processing which was favorable except for minor illegal drug use. She was warned against further drug use at that time. Subject received a routine reinvestigation polygraph in 1983 and admitted to having used marijuana since beginning her employment. Polygraph examination raised doubts about the truthfulness of her admissions. She also admitted to identifying classified sites to an Iranian national whom she dated and discussing her impending foreign assignment with him.

25X1

ESPIONAGE

Subject, a member of the U.S. military with access to Sensitive Compartmented Information, was suspected of having contact with the embassy of a hostile country. Although many indicators of espionage were evident, a lengthy investigation, complete with a complex surveillance, failed to produce hard evidence of espionage. During a personal interview, Subject denied all allegations. Subject submitted to a polygraph examination and deception was noted concerning contact with a hostile intelligence service and passage of classified information. Subject subsequently admitted to contacting the hostile service, collecting a large quantity of highly classified information and passing it to that hostile service in exchange for money. The polygraph was also used to ascertain what information had been compromised.

25X1

CRIMINAL CONDUCT

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, stated on his security forms that he had not used any illegal drugs or narcotics. During his initial polygraph examination, Subject admitted only to limited drug use but showed deception in the area of serious crimes. He later admitted to theft of merchandise and pilferage from employers and to shoplifting the month prior to the polygraph examination. After further testing, Subject also admitted to expanded drug use.

25X1

ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, had undergone a background investigation in connection with an earlier assignment. Personal biographic data was favorable. During the applicant screening polygraph examination, Subject admitted that while serving with U.S. forces overseas he lived for more than a year with and was partly supported by a woman known to him as an agent of a foreign intelligence service. Subject observed in her apartment a transmitter/receiver which was apparently for clandestine use. He had not reported any of this information to military intelligence authorities.

25X1

ESPIONAGE

Subject, a member of the U.S. military, was one of five individuals employed in a communications center from which highly classified information on sensitive DOD, State and White House matters was being illegally provided to a foreign intelligence service. All suspects held TOP SECRET clearances and Sensitive Compartmented Information approvals. Conventional investigative procedures failed to identify the guilty party. When polygraph testing of the Subject indicated deception, he admitted to working for a foreign intelligence service and to supplying a great quantity of information to that service. Polygraph testing of the remaining suspects did not reveal deception.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a TOP SECRET cleared U.S. citizen and long-time employee of an Intelligence Community organization, was polygraphed in conjunction with his periodic reinvestigation. During the polygraph examination, subject admitted to unauthorized disclosures of classified information to news media personalities over a period of ten years.

25X1

CRIMINAL CONDUCT

Subject, a U.S. citizen applying for TOP SECRET employment with an Intelligence Community organization, underwent a background investigation which was completed with favorable results. During a subsequent polygraph examination, Subject admitted that he had purchased and sold illegal drugs and had been involved in other criminal activities, including theft, insurance fraud, arson, and receipt of stolen goods.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a naturalized U.S. citizen applying for an Intelligence Community foreign language translator position requiring a TOP SECRET security clearance, was investigated with favorable results. During a subsequent polygraph examination, Subject indicated deception on questions regarding contact with a foreign intelligence service and the truthfulness of his application for employment. Subject admitted that attempts had been made by a hostile intelligence service to recruit him prior to leaving his country of origin and by another foreign intelligence service while en route to the United States. He also admitted omitting pertinent data on his employment application.

25X1

ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring access to Sensitive Compartmented Information, was given a polygraph examination. Subject admitted various radical and Marxist connections, including residence with a British Communist Party member while both were students at a British university. He acknowledged visiting the Soviet Union twice on British student tours, and, during his initial tour, becoming particularly friendly with a young woman described as a student and a part-time INTOURIST guide. She was also his tour guide on the second trip. He said he later corresponded with her and informed her that he had applied for employment with U.S. intelligence agencies. Shortly thereafter, she came to the U.S., supposedly to visit relatives. She contacted Subject and arranged to meet him the day after his polygraph examination. After admitting to this forthcoming meeting, Subject continued to show deception to counter-intelligence questions during the polygraph examination. While Subject denied that he had ever been approached to engage in espionage, he indicated deception on questions regarding additional knowledge of individuals involved in espionage against the United States.

25X1

ESPIONAGE

Subject, a U.S. citizen employed by a U.S. contractor on a TOP SECRET project, required security processing for access to another TOP SECRET project. During a polygraph examination, Subject admitted that he furnished classified information and industrial proprietary information to foreign nationals of both the People's Republic of China and Taiwan.

25X1

CRIMINAL CONDUCT

Subject, a U.S. citizen employed in the Intelligence Community and a former member of the U.S. military, provided intelligence information of questionable validity about planned terrorist activity at two U.S. military installations, which purported to include the theft of military weapons. Subject was given a polygraph examination and was found deceptive. Upon further questioning, he admitted that he fabricated the story of planned terrorist activity and reported it to gain recognition. Subject also admitted to unrelated contact with hostile intelligence services to discuss military and cultural matters as well as possible defection.

25X1

ESPIONAGE

Subject, a SECRET-cleared U.S. citizen employed by a U.S. contractor, needed his clearance upgraded for access to Sensitive Compartmented Information. During his polygraph examination, Subject showed deception to questions about involvement in intelligence work for a foreign government, espionage activity, intent to commit espionage against the United States, the accuracy of his biographic data and other related questions. Subject admitted that he falsely reported an academic affiliation during two tours abroad, totalling eight years. He admitted that during those years he actually served as a scientific advisor to the chief of a foreign military intelligence service. He reported directly to the head of military intelligence of the foreign power. Although Subject admitted that he might, in the future, pass classified information to that foreign service, he claimed that he had never done so. He had never revealed his foreign intelligence connection to his employer or to the cognizant government security officer. Subject was still in contact with the foreign intelligence service, though legitimately so through his U.S. contractor employment. Subject continued to show deception to questions about giving or selling classified information to the foreign intelligence service.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a staff employee of an Intelligence Community agency, admitted during polygraph examination to a wide variety of homosexual activities with foreign nationals overseas. He also admitted that an East Asian national with whom he had lived in a homosexual relationship was blackmailing him for money. Subject acknowledged disclosing his classified intelligence affiliation to the blackmailer.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen employed on a classified contract requiring a TOP SECRET clearance, had previously worked for the U.S. government and held a TOP SECRET clearance. He had been favorably investigated for his prior government position. As part of his processing for a TOP SECRET clearance as a contractor employee, Subject was given a polygraph examination. He showed deception to questions pertaining to unauthorized disclosure of classified information. He admitted divulging classified information to friends, co-workers, and family members. He had held a classified slide show for friends and family and also provided classified information to a foreign national. Subject indicated deception to questions concerning his intent to commit espionage and/or sabotage against the United States. He threatened to divulge classified information if he was denied a clearance. During his final polygraph examination, Subject continued to show deception regarding his intention to commit espionage against the United States.

25X1

ESPIONAGE

Subject, a naturalized U.S. citizen and an applicant for a sensitive Intelligence Community position as a foreign language translator, provided the required biographical data and was favorably investigated. There was no indication in his declarations or during the background investigation of any contact with a foreign intelligence service. During polygraph testing, Subject admitted that a family member had in fact been a member of such a service. Testing did not support his statement that this was his only foreign intelligence affiliation. During subsequent interrogation and testing, Subject made increasingly more damaging admissions about his recent work for known members of a foreign intelligence service.

25X1

CRIMINAL CONDUCT

Subject, a U.S. citizen employed in the Intelligence Community with access to TOP SECRET information, was given a polygraph examination in conjunction with his reinvestigation. During the examination, Subject admitted that he had shoplifted and changed price tags on merchandise. He further admitted to accepting gratuities from contractors and to providing classified information to uncleared contractors to assist them in their bidding.



25X1

ESPIONAGE

Subject, a member of the U.S. military who was known to have had contact with a foreign intelligence service, was arrested while selling classified material to undercover Federal Agents. During interrogation, Subject denied additional contact with hostile intelligence services and admitted no additional security infractions. During a polygraph examination, Subject was found deceptive on both topics. He subsequently admitted further liaison with a hostile intelligence service and possession of additional classified documents at his residence.



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COUNTERINTELLIGENCE ISSUES

Subject, a U.S. citizen, applied for a sensitive Intelligence Community position as an intelligence research specialist. His investigation raised questions regarding his associates and travel in a Soviet Bloc country. When these issues were discussed during a pre-polygraph interview, Subject maintained that he had no contact with foreign intelligence representatives. When polygraph testing showed deception, Subject admitted associating with persons he believed to represent a hostile intelligence service and having visited a foreign embassy on occasion, most recently a week prior to his examination. Although he declared he had nothing more to admit, further testing indicated deception. He later admitted additional contact with Soviet Bloc embassies during his overseas travel.



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DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen applying for an Intelligence Community position, had been cleared previously for access to sensitive compartmented information (SCI). During polygraph testing, he admitted to the unauthorized disclosure of SCI on many occasions to associates and family members. Previous investigations had given no indication of such disclosures by him.



25X1

ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring a TOP SECRET clearance, was serving in the U.S. military and had access to sensitive cryptologic information. During the applicant screening polygraph examination, Subject indicated deception. In the post-test interview, he admitted to various petty crimes. The polygraph examiner noted continued specific reactions to relevant questions. When the Subject was reexamined several weeks later, the same reactions continued. His access was withdrawn and an investigation opened. During the investigation, Subject was found dead in his automobile. It was subsequently determined that he had been engaged in espionage on behalf of the Soviet Union.

25X1

CRIMINAL CONDUCT

Subject, a TOP SECRET cleared U.S. citizen employed in the Intelligence Community, received a polygraph examination in conjunction with his periodic reinvestigation. During the examination, Subject admitted to falsification of reports, fraudulent accounting practices, improper handling of classified material and serious drug abuse.

25X1

ESPIONAGE

Subject, a naturalized U.S. citizen, was favorably investigated for a sensitive Intelligence Community clerical position. There were no indications in his personal history statement of association with a foreign intelligence service. Initial polygraph testing indicated that Subject failed to list a previous employment at a foreign embassy in his country of origin, and that he was related by marriage to a member of a foreign national police force. During subsequent testing, Subject was also found to be deceptive on current work for a foreign intelligence service and on instructions by a foreign intelligence service to seek U.S. Government employment.

25X1

ESPIONAGE

Subject, a U.S. citizen applying for an Intelligence Community position requiring a TOP SECRET security clearance, had been favorably investigated for an earlier U.S. Intelligence assignment. All personal biographic data were favorable. During a polygraph examination, Subject indicated deception to questions about knowing others engaged in espionage, intent to engage in espionage, and the truthfulness of the information on his security forms. During the post-test interview he admitted that he had been terminated from his employment with a U.S. intelligence service after a year of training but before he was assigned to a position. He admitted that he engaged in freelance journalism in the U.S and abroad with an Asian. During their work, the Asian told him he was an intelligence agent for his country. Although the Subject identified the agent by name, his U.S. location, and his intelligence service, he would not give details of their joint activities and continued to show deception about intending to commit espionage against the United States.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a naturalized U.S. citizen applying for an Intelligence Community position as a foreign language translator, was favorably investigated for a TOP SECRET clearance. During his polygraph examination, he declared that he had no contact with officials of foreign intelligence services and denied that he had been directed by any such service to seek Intelligence Community employment. Testing showed deception on these issues. Subject subsequently admitted that prior to leaving his country of origin, officials of a Soviet Bloc intelligence service contacted him in a recruitment attempt.

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LOSS OF CLASSIFIED INFORMATION

Subject was one of three military personnel with direct access to approximately one thousand classified aperture cards, which were reported missing. An investigation was initiated and all three individuals denied culpability. Each was then given a polygraph examination. No deception was indicated by two of the individuals, but Subject's polygraph examination indicated deception. When questioned further, he admitted that he had deliberately destroyed the aperture cards because of inventory and filing problems. Additional polygraph testing gave no indication that the missing cards had been compromised.

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ESPIONAGE

Subject, a non-U.S. citizen, was one of two hostile espionage agents put ashore in a country friendly to the United States. Subject survived a fire fight and was subsequently interrogated for almost a year before being turned over to U.S. Intelligence for additional questioning. The friendly country, without polygraph, had accepted his statements and elaborate cover legend. U.S. Intelligence interrogation, using the polygraph, penetrated Subject's cover and eventually was instrumental in eliciting positive intelligence concerning important military installations in the Subject's home country.

25X1

ESPIONAGE

Subject, a U.S. citizen who divided his employment career between two agencies within the Intelligence Community where he had access to TOP SECRET information, required security processing for detail to a third intelligence organization. During polygraph testing, Subject admitted to unauthorized disclosures of classified information (e.g. data on U.S. technical collection capabilities) to Soviet intelligence and involvement in a homosexual act in Soviet controlled space in the USSR.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a U.S. citizen employed in the Intelligence Community and holding a TOP SECRET clearance, received a polygraph interview in conjunction with a periodic reinvestigation. He admitted to operational security indiscretions and sexual misconduct with a foreign national overseas. He continued to show deception to counterintelligence questions.

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ESPIONAGE

Subject, a foreign national, was employed in a non-sensitive position with an Intelligence Community agency, in a friendly foreign country. His position gave him access to biographic data on and travel plans of senior U.S. personnel abroad. His father was employed in a non-sensitive position with a U.S. Intelligence agency in his homeland, Poland. During normal debriefing interviews, Subject admitted several contacts with representatives of the Polish intelligence service but denied cooperation with them. He appeared forgetful and evasive on this issue. The polygraph showed deception regarding the contact issue. When confronted, Subject admitted to greater contact with, recruitment by, and cooperation with the Polish intelligence service. He attributed his cooperation to his family's hostage situation in Poland. As a result of his admissions, Subject was terminated from his position.

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CRIMINAL CONDUCT

Subject, a U.S. citizen employed in the Intelligence Community, was arrested for petty theft. During polygraph examination administered by his Community employer, he admitted to skimming \$7500 from operational funds, in addition to extensive shoplifting.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen holding a TOP SECRET clearance with 20 years' Intelligence Community experience, underwent a periodic reinvestigation polygraph examination. He admitted to unauthorized disclosures of classified information to non-U.S. citizens, including a foreign liaison official.

25X1

ESPIONAGE

Subject, a naturalized U.S. citizen, applied for a foreign language translator position in the Intelligence Community requiring a TOP SECRET security clearance. He was polygraphed and found to be deceptive in response to questions regarding his claimed membership in organizations and his claim that none of his relatives was employed by or was cooperating with any hostile intelligence service. When questioned further about his relatives and their cooperation with hostile intelligence services, Subject terminated the interview without making any admissions.

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DRUG USE

Subject, a member of the U.S. military, applied for a civilian position in the Intelligence Community requiring a TOP SECRET clearance. A background investigation had been conducted in conjunction with his military service. Prior to his polygraph examination, Subject admitted minor use of marijuana and hashish. He reported identical information to a staff psychologist during his employment processing. During the polygraph examination, he admitted to heavy use of marijuana, in addition to repeated use of hashish, "speed", and quaaludes while in the military between 1978 and 1982; to purchasing these drugs for his personal use; and on several occasions to selling small amounts to finance his own drug use. He admitted that he falsified his application forms and lied to the staff psychologist to enhance his prospects for employment.

25X1

ESPIONAGE

Subject, a U.S. contractor employee requiring access to Sensitive Compartmented Information, was given a polygraph examination. When the test indicated deception to questions concerning espionage, Subject admitted that her former husband was engaged in espionage against the U.S. for a foreign intelligence service. These activities spanned several years while her former spouse held various positions with the U.S. government and with defense contractors requiring classified access. Subject provided very specific details on espionage activities.

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ESPIONAGE

Subject, a naturalized U.S. citizen, applied for a sensitive investigative position in the Intelligence Community. A complete background investigation for a TOP SECRET clearance failed to disclose any unfavorable information. During a pre-polygraph interview, Subject admitted to providing non-intelligence information to a Far Eastern intelligence service. The polygraph examination indicated deception in that area. During subsequent interrogation Subject confessed to gathering intelligence information for a Far Eastern intelligence service.

25X1

ESPIONAGE

Subject, a member of the U.S. military, applied for a position in the Intelligence Community requiring access to Sensitive Compartmented Information. He had been favorably investigated for SCI access while in the military. During the polygraph examination, Subject was found deceptive to questions concerning espionage against the United States. He then described several visits to the Soviet embassy to make arrangements to defect. He admitted that embassy officials obtained extensive biographic information on him, retained copies of his documents, and upon learning of his pending applications for employment with U.S. intelligence agencies, encouraged him to remain in the U.S.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen employed in the Intelligence Community, was investigated and polygraphed in connection with her initial assignment in 1974. She was cautioned in 1976 to heed regulations against taking classified information home. She was cautioned again in 1977 when it was determined that she had discussed SECRET information with her husband, a foreign-born naturalized U.S. citizen. Reinvestigation polygraph examinations elicited admissions of additional significant unauthorized disclosures and the fact that, between 1976 and 1980, her spouse acted as an attorney for the Soviet Embassy, where his principal contact was a KGB officer. Subject continued to show deception in response to questions regarding unauthorized disclosures.

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CRIMINAL CONDUCT

Subject, a U.S. citizen applying for a position in the Intelligence Community requiring a TOP SECRET clearance, was employed as an engineer by another government agency. During his polygraph examination, he admitted that the engineering degree he listed in his biographic data was phony and had been purchased in London through the mail for \$100. Subject also admitted that he shot and wounded his second wife and served two years in prison for this offense. (He did not list his prison term on his biographic data form.) His present wife was missing under unusual circumstances, which he refused to explain. Subject continued to show deception to questions regarding additional involvement in criminal activity.

25X1

ESPIONAGE

Subject, a member of the U.S. military with access to Sensitive Compartmented Information, was alleged by a superior officer to have passed classified information to a member of a hostile intelligence service. During a personal interview, Subject admitted only to passing one piece of classified data to a representative of that country. When polygraph results indicated deception, Subject admitted giving a substantial number of classified items to that representative, who proved to be a member of his country's intelligence service.

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COUNTERINTELLIGENCE ISSUES

Subject, a non-U.S. citizen applying for an Intelligence Community position as a foreign language translator, was favorably investigated for a TOP SECRET clearance. During a pre-polygraph interview, Subject denied that he had been in contact with representatives of a hostile Middle Eastern intelligence service. His polygraph charts showed him to be deceptive to questions regarding such contact. After further questioning, Subject admitted that while he was employed as a contractor for a U.S. intelligence service, he had contacts with members of this hostile intelligence service. Subject never reported this information to his employer or to U.S. authorities.

25X1

EXCESSIVE USE OF ALCOHOL

Subject, an applicant for employment with an Intelligence Community organization, was favorably investigated and cleared for limited access to classified information. During a polygraph examination he admitted discussing with friends and relatives classified information pertaining to sensitive sites and missions. He also acknowledged stealing from his previous employers over a ten year period. Testing further disclosed that alcohol consumption affected his personal and professional life style and that he had been unable to work on five occasions and blacked out weekly due to excessive drinking.

25X1

COUNTERINTELLIGENCE ISSUES

Subject, a U.S. citizen applying for a position in the Intelligence Community requiring a TOP SECRET clearance, was favorably investigated. Polygraph testing surfaced an issue of divided loyalty. Subject claimed to be loyal both to the United States and another country. He stated that if approached by the other country he would relocate there to offer his assistance, after resigning his U.S. position. Subject admitted that he would provide information obtained through his U.S. employment to the other country if he judged that this would not harm U.S. interests. Polygraph testing further resulted in Subject's admission to recent use of illegal drugs and two acts of shoplifting.

25X1

DIVULGENCE OF CLASSIFIED INFORMATION

Subject, a U.S. citizen employed by a U.S. contractor and cleared for SCI access, was suspected of discussing highly classified information concerning a special project with unauthorized persons. During a personal interview he denied making any unauthorized disclosure. He displayed indications of deception during a subsequent polygraph examination. He later admitted that he had discussed with unauthorized persons details of the highly classified project on which he was employed.

25X1

ESPIONAGE

Subject, a naturalized U.S. citizen applying for a TOP SECRET foreign language translator position in the Intelligence Community, was polygraphed following a favorable background investigation. Subject was found deceptive to questions concerning contact with foreign intelligence services. During subsequent interrogation he admitted that he had been contacted by representatives of a Soviet Bloc intelligence service prior to leaving his native country. The foreign service provided him a system for clandestine receipt of instructions from them after he arrived in the United States. He signed an agreement with that service promising never to reveal this contact. Subject also admitted numerous contacts with the Soviet Bloc intelligence service in the months prior to entering the United States and clandestine contact in the pre-arranged manner after his arrival.

COUNTERINTELLIGENCE ISSUES

Subject, a naturalized U.S. citizen, applied for a position within the Intelligence Community as a foreign language translator. A polygraph examination to determine his association with non-U.S. Intelligence agencies was scheduled after a background investigation for TOP SECRET clearance raised questions about his overseas travel. During a pre-examination interview, the Subject admitted that a relative was a member of the Armed Forces of a non Western country. He omitted this from his application forms. The subject claimed he had no contact with anyone he knew or suspected to be a member of a non U.S. Intelligence agency. Polygraph testing failed to support his claim. The Subject subsequently admitted he had indeed talked while traveling to individuals who were representatives, possibly intelligence officers, of a non Western government

ROUTING AND RECORD SHEET					
SUBJECT: (Optional)					
FROM:		EXTENSION	NO.	25X1	
SECOM 5E25 Hqs.			SECOM - D - 030 - 84		
TO: (Officer designation, room number, and building)		DATE		DATE	
		RECEIVED	FORWARDED	14 February 1984	
COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)					
1. Director Intelligence Community Staff 6S03 CHB					
2.					
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4. ADCI 7D60 Hqs.					
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* NSA wants
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 in upcoming
 hearing —
 someone should
 make sure
 NSA & CIA don't
 end up using
 same examples



Washington, D.C. 20505

OLL 83-1679 11

183166339

01 AUG 1983

Honorable John H. Chafee
United States Senate
Washington, D.C. 20510

Dear Senator Chafee:

I want to extend to you my personal appreciation for your work in securing passage of Amendment No. 1501 to the Defense Authorization Bill of 1984 relating to the use of polygraph examinations by the Department of Defense. Language in section 1007 specifically exempting Department of Defense personnel from the requirement of polygraph examinations would have seriously inhibited my ability to effectively fulfill my statutory responsibilities to protect intelligence sources and methods. Your amendment allows the current practice to continue and provides for hearings during which the need for polygraph examinations can be clearly and emphatically set forth. This letter is also being provided to Senator Leahy.

Again, my thanks for all your help on this critical issue.

Sincerely,

/s/ William J. Casey

William J. Casey

Distribution:

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- 1 - OLL Chrono

OLL:KAD:maw (21 July 1983)

Retyped:OLL:KAD:maw (26 July 1983)



Washington, D.C. 20505

General Counsel

8-8-83

OLL 83-1679

01 AUG 1983

Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510

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Washington D.C. 20505

OGC 83-05925

Honorable Barry M. Goldwater
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

11 JUL 1983

Dear Mr. Chairman:

I am writing to express to you my grave concern with legislation pending in the Senate which would restrict the use of polygraph examinations by the Department of Defense. The restriction on use of the polygraph contained in Section 1007 of S. 675, the Fiscal Year 1984 Defense Authorization Bill, would impair my ability as Director of Central Intelligence to fulfill my statutory and other legal responsibilities for the protection of intelligence sources and methods.

The Director of Central Intelligence is by statute responsible for the protection of intelligence sources and methods (50 U.S.C. §403(d)(3)). The Director of Central Intelligence is also responsible for ensuring the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products (Executive Order 12333, §1.5(g)) and for ensuring that programs are developed which protect intelligence sources, methods, and analytical procedures (id., §1.5(h)). Finally, the Director of Central Intelligence is responsible for establishing special access controls and standards for sensitive compartmented information (SCI), which consists of extremely sensitive intelligence information (Executive Order 12356, §4.2(a)).

Department of Defense personnel have access to a great deal of intelligence information, including SCI and information relating to intelligence sources and methods, produced by the various elements of the Intelligence Community. As Director of Central Intelligence, I thus have a direct legal and practical interest in the use or non-use of the polygraph as a security method with respect to Department of Defense personnel. Under very carefully delimited and controlled circumstances, polygraph examinations currently may be required of personnel of the Department of Defense who hold positions which involve access to extremely sensitive intelligence information. New restrictions on the use of polygraph examinations with respect to Department of Defense personnel, and on the use of the information derived therefrom, could jeopardize the security of intelligence information, sources, and methods.

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I cannot effectively fulfill my statutory and other legal responsibilities for the protection of intelligence sources and methods if Department of Defense personnel, who must have access to intelligence information to perform their duties, are to be specially exempted by statute from security practices applicable to the personnel of other agencies who have equivalent access to such information. For this reason, I strongly oppose Section 1007 of S. 675. I would note that this provision was attached to the Defense Authorization Bill without the benefit of any hearings or substantial discussion in committee. A legislative decision with such a potentially grave impact on the security of our nation's most sensitive secrets deserves much more thorough consideration.

Sincerely,

William J. Casey

William J. Casey

cc:

Honorable John G. Tower
Chairman, Committee on Armed Services

Honorable Strom Thurmond
Chairman, Committee on the Judiciary

Honorable Daniel P. Moynihan
Vice Chairman, Select Committee on Intelligence

Honorable Henry M. Jackson
Ranking Minority Member
Committee on Armed Services

Honorable Joseph R. Biden
Ranking Minority Member
Committee on the Judiciary

(OGC:GMC:maw)

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Second, administrative authority over school personnel would be uncertain if the transfer takes place. The Department of Education Organization Act provides in sections 401 (f) and 419(a)(2) that school personnel will continue to be treated as Defense Department employees for certain purposes after the transfer. These provisions could confuse the administrative authority governing the employees' activities.

Third, the Committee is concerned that the morale of our military families would be affected if the close working relationship that has developed between overseas military installations and their schools were upset. This intangible but important consideration could not be replaced by a series of inter-agency agreements between the two Departments.

These practical reasons and the high quality education they have engendered have convinced the Committee to recommend that the scheduled transfer of DoD schools to the Department of Education be rescinded.

The initial part of the Committee recommendation would amend the Department of Education Organization Act by repealing all those provisions related to the overseas dependents' schools system, its transfer and its planned administration by the Education Department. The second section would return the Advisory Council on Dependents' Education to the Department of Defense. Finally, the recommendation of the Committee authorizes the Secretary of Defense to call upon the Secretary of Education for advice and technical support in the operation of the schools.

SEC. 1007. POLYGRAPH EXAMINATIONS IN THE DEPARTMENT OF DEFENSE

Section 1007 of the bill would limit, in certain respects, reliance on polygraph examinations in the Department of Defense. The provision would not ban polygraph use in the Department which has been going on for some time. But the bill would ensure that the polygraph continues to be used only as a supplement to other investigatory tools and resources available to the Department. Finally, the provision would require the submission to the Congress of data essential to understanding the basis for proposing greater reliance on the polygraph and the reliability of the polygraph itself.

The Committee's attention to polygraph use in the Department of Defense was stirred by several plans which would provide for greater use of polygraph examination and, more importantly, would permit adverse actions against military or civilian employees (e.g. denial of access to certain classified information) solely for refusing to submit to a polygraph exam. Actual and planned revisions to Defense polygraph directives would use the polygraph as part of a random, periodic security check of certain Department employees. A revision to the Department's primary polygraph directive currently being considered in the Department would—in the estimate of the Assistant Secretary of Defense (Public Affairs)—have the effect of "quadrupling the testing" and "involve almost 60,000 employees." Indeed the Secretary of Defense told the Committee that the Department would have to hire an additional 138 polygraphers to implement this revision; it cost \$6,000 just to

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train one of these polygraphers and their current average annual salary is \$32,311.

More troubling than the larger number of tests are the policy provisions which would permit adverse personnel actions against civilian and military employees based solely on the refusal of the individual to submit to an exam. Indeed, a recent National Security Decision Directive requires that Defense agency heads must have the authority to administer "appropriate adverse consequences" when an individual refuses to submit to a polygraph exam during certain types of investigations.

The apparent goal of these plans—to protect against potential unauthorized disclosures of classified information and provide the tools to investigate such disclosures when they do occur—is a meritorious one. But the results of polygraph examinations are not admissible in federal courts, and substantially less than half of the states even permit the introduction into evidence of the results of stipulated polygraph exams. Serious questions have consistently been raised about the accuracy and reliability of the polygraph exam. Within the Department itself, the Acting Assistant Secretary of Defense (Health Affairs) has confirmed that there are "serious scientific concerns about the theory of and the accuracy of the polygraph technique." Indeed, he cited studies where up to 55 percent of the innocent people involved were misclassified as untruthful individuals. Military personnel ordered to positions covered by expanded polygraph screening requirements or falling within the scope of a classified leak investigation could have their careers irreparably damaged without cause. The morale of all DoD employees—military and civilian alike—could very well be detrimentally affected. The Committee believes these would be unfortunate and counterproductive developments.

For this reason the Committee has included a provision in the bill which ensures that DoD does not overly rely on polygraph results, whatever the degree of use. It also will provide the Congress with some relevant information about the need for and implications of expanded polygraph use.

First, the provision would prohibit, as a matter of law, DoD from taking any adverse personnel action (e.g. reassignment, suspension, denial of access to classified information) against a military or civilian employee solely on the basis of the results of a polygraph exam or the refusal to take such an exam. Civilian employees and prospective civilian employees of the National Security Agency (NSA) of the Department of Defense would be exempt from this provision. Polygraph use could be made with respect to these individuals in accordance with applicable NSA or Defense regulations in effect as of date of enactment.

Representatives of DoD have indicated to the Committee that current DoD policy was not to take action against an individual based solely on polygraph results. Refusal to take such an exam—one with a known potential for inaccuracy—also should not automatically label an individual as guilty of an infraction justifying adverse action. There must be something more.

By denial of access to classified information, the Committee means denial of access to any level, compartment, or category of classified information solely on the basis of polygraph results or

the refusal to submit to an exam. Under the bill, such a denial would constitute an "adverse action."

Secondly, justification for expanded use of the polygraph, especially in leak investigations, is to prevent further damage to national security resulting from unauthorized disclosures of classified information. If this is the problem which is motivating the various polygraph proposals, the scope of nature and extent of the damage which has occurred should first be explained. Reports indicate there may even be a diversity of view on this subject among responsible Administration personnel. Therefore, the bill requests a report from the President on this damage issue.

The Committee also believes it essential to know the Department's position on a central concern raised by these proposals to place greater reliance on polygraphs—the accuracy and reliability of the instrument and process. To that end the bill requires a report from the Secretary of Defense setting forth the Department's position on this issue, including percentage accuracy reliability and statistical and other analyses to support this position.

Finally, in the Committee's view, use of polygraphs in DoD should be kept at the level in effect before any expansion was authorized (i.e. in accordance with rules and regulations as of August 1, 1982) until Congress has had an opportunity to review these two critical compilations of information.

Therefore, until the Committee receives the reports required by this provision and for 60 days thereafter, the Committee requests the Department not to issue, implement or enforce any rule, regulation, directive or order that would permit the use of polygraph examinations of civilian employees or members of the armed forces to any extent greater than permitted under the rules, regulations, and directives of the Department of Defense in effect as of August 1, 1982.

The Committee believes this provision is a reasonable way to protect individuals who might be erroneously identified under existing polygraph rules and regulations or subjected to adverse action merely because of their justifiable concerns about the accuracy of the polygraph. Further, it will permit DoD to proceed with polygraph exams under current rules, regulations, and policies while data is gathered which should be considered before any expanded use is made of such exams.

SEC. 1008. ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DISLOCATION

Section 1008 continues for one more year a test program that allows a limited price differential to be paid for the purpose of relieving economic dislocations on any contract entered into by the Defense Logistics Agency, except a contract for the purchase of fuel. The test program is an exception to section 2392 of title 10, United States Code, commonly referred to as the Maybank amendment, which prohibits the use of funds appropriated to or for the use of the Department of Defense, in connection with any contract awarded by the Department of Defense, to pay a price differential for the purpose of paying higher prices in contracts in areas of high unemployment (labor surplus areas).

1 (f) The Director of the Office of Management and
2 Budget, the Secretary of Defense, and the Secretary of Edu-
3 cation are each directed to take such action as may be neces-
4 sary to assure the continued effective administration of the
5 defense dependents' education system pursuant to title XIV
6 of the Education Amendments of 1978.

7 **USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE**

8 SEC. 1007. (a) Chapter 49 of title 10, United States
9 Code, is amended by adding at the end thereof the following
10 new section:

11 **§ 979. Prohibition against certain actions based upon re-
12 sults of polygraph examinations**

13 “(a)(1) Except as provided in subsection (c), a civilian
14 employee of the Department of Defense may not be separated
15 from his employment with the Department of Defense, sus-
16 pended from such employment, reduced in grade or pay, fur-
17 loughed, denied access to classified information, or subjected
18 to any other adverse action with respect to his employment in
19 any position in the Department of Defense solely on the basis
20 of the results of a polygraph examination or solely on the
21 basis of a refusal to submit to such an examination.

22 “(2) A member of the armed forces may not be perma-
23 nently or temporarily transferred to a new duty station, as-
24 signed or detailed to perform new duties, denied access to
25 classified information, or subjected to any other adverse

1 action with respect to such member's military status or any
2 duty assignment in the Department of Defense solely on the
3 basis of the results of a polygraph examination or solely on
4 the basis of a refusal to submit to such an examination.

5 "(b)(1) Not later than March 1, 1984, the President
6 shall submit to the Congress a written report describing (A)
7 unauthorized disclosures of classified information that neces-
8 sitate expanded use of polygraph examinations in the Depart-
9 ment of Defense, (B) the nature and extent of such unauthor-
10 ized disclosures, and (C) the nature and extent of the damage
11 to the national security that has resulted from the unauthor-
12 ized disclosures, including specific examples of the damage
13 and the manner in which the damage was determined and
14 measured.

15 "(2) Not later than March 1, 1984, the Secretary of
16 Defense shall submit to the Congress a written report which
17 expresses the position of the Department of Defense regarding
18 the accuracy and reliability of polygraph examinations and
19 which includes—

20 "(A) a description of the specific studies (includ-
21 ing statistical analyses based on such studies) conduct-
22 ed by or for the Department of Defense, or relied upon
23 by the department, to support the department's use of
24 the polygraph; and

1 "(B) the Secretary's analysis and explanation of
2 how any potential damage to innocent persons errone-
3 ously identified by polygraph examinations as having
4 given false responses or information during the course
5 of polygraph examinations is offset by the potential
6 benefits to the United States of expanded use of the
7 polygraph.

8 "(c) Polygraph examinations may be used with respect
9 to civilian employees and prospective civilian employees of
10 the National Security Agency of the Department of Defense
11 in accordance with and to the extent provided for in regula-
12 tions of the Department of Defense or the National Security
13 Agency as in effect on the date of the enactment of this Act."

14 (b) The table of sections at the beginning of chapter 49
15 of such title is amended by adding at the end thereof the
16 following new item:

17 "979. Prohibition against certain actions based upon results of polygraph examina-
18 tions.".

19 **ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE
20 PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DIS-
21 LOCATIONS**

22 SEC. 1008. (a) Subsection (a) of section 1109 of the
23 Department of Defense Authorization Act, 1983 (10 U.S.C.
24 2392 note), is amended by striking out "fiscal year 1983"
25 each place it appears and inserting in lieu thereof "fiscal
26 years 1983 and 1984".